



AMENDMENT NO. _____

Calendar No. _____

Purpose: To prohibit the expenditure of certain amounts from the Land and Water Conservation Fund for land acquisition.

IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.

H. R. 3055

<p>AMENDMENT N^o 1209</p>		of Commerce
<p>By <u>Lee</u></p>		for the fiscal
<p>To: <u>AMT NO 948</u></p>		or other pur-
<p>_____ and</p>		
<p>_____</p>		
<p>17</p>		rinted
<p>Page(s)</p>		
<p>GPO: 2018 33-682 (mac)</p>		LEE to the
<p>amendment (No. 948) proposed by Mr. SHELBY</p>		

Viz:

- 1 Beginning on page 225, strike line 15 and all that
- 2 follows through page 241, line 23, and insert the following:

3 LAND ACQUISITION

4 (INCLUDING RESCISSION OF FUNDS)

- 5 For expenses necessary to carry out sections 205,
- 6 206, and 318(d) of Public Law 94-579, including admin-
- 7 istrative expenses, \$28,800,000, to be derived from the

1 Land and Water Conservation Fund and to remain avail-
2 able until expended.

3 Of the unobligated balances from amounts made
4 available for Land Acquisition and derived from the Land
5 and Water Conservation Fund, \$2,367,000 is hereby per-
6 manently rescinded from projects with cost savings or
7 failed or partially failed projects: *Provided*, That no
8 amounts may be rescinded from amounts that were des-
9 ignated by the Congress as an emergency requirement
10 pursuant to the Concurrent Resolution on the Budget or
11 the Balanced Budget and Emergency Deficit Control Act
12 of 1985.

13 OREGON AND CALIFORNIA GRANT LANDS

14 For expenses necessary for management, protection,
15 and development of resources and for construction, oper-
16 ation, and maintenance of access roads, reforestation, and
17 other improvements on the revested Oregon and California
18 Railroad grant lands, on other Federal lands in the Or-
19 egon and California land-grant counties of Oregon, and
20 on adjacent rights-of-way; and acquisition of lands or in-
21 terests therein, including existing connecting roads on or
22 adjacent to such grant lands; \$106,985,000, to remain
23 available until expended: *Provided*, That 25 percent of the
24 aggregate of all receipts during the current fiscal year
25 from the revested Oregon and California Railroad grant

1 lands is hereby made a charge against the Oregon and
2 California land-grant fund and shall be transferred to the
3 General Fund in the Treasury in accordance with the sec-
4 ond paragraph of subsection (b) of title II of the Act of
5 August 28, 1937 (43 U.S.C. 2605).

6 RANGE IMPROVEMENTS

7 For rehabilitation, protection, and improvement of
8 Federal rangelands pursuant to section 401 of the Federal
9 Land Policy and Management Act of 1976 (43 U.S.C.
10 1751), notwithstanding any other Act, sums equal to 50
11 percent of all moneys received during the prior fiscal year
12 under sections 3 and 15 of the Taylor Grazing Act (43
13 U.S.C. 315b, 315m) and the amount designated for range
14 improvements from grazing fees and mineral leasing re-
15 ceipts from Bankhead-Jones lands transferred to the De-
16 partment of the Interior pursuant to law, but not less than
17 \$10,000,000, to remain available until expended: *Pro-*
18 *vided*, That not to exceed \$600,000 shall be available for
19 administrative expenses.

20 SERVICE CHARGES, DEPOSITS, AND FORFEITURES

21 For administrative expenses and other costs related
22 to processing application documents and other authoriza-
23 tions for use and disposal of public lands and resources,
24 for costs of providing copies of official public land docu-
25 ments, for monitoring construction, operation, and termi-

1 nation of facilities in conjunction with use authorizations,
2 and for rehabilitation of damaged property, such amounts
3 as may be collected under Public Law 94–579 (43 U.S.C.
4 1701 et seq.), and under section 28 of the Mineral Leasing
5 Act (30 U.S.C. 185), to remain available until expended:
6 *Provided*, That notwithstanding any provision to the con-
7 trary of section 305(a) of Public Law 94–579 (43 U.S.C.
8 1735(a)), any moneys that have been or will be received
9 pursuant to that section, whether as a result of forfeiture,
10 compromise, or settlement, if not appropriate for refund
11 pursuant to section 305(c) of that Act (43 U.S.C.
12 1735(c)), shall be available and may be expended under
13 the authority of this Act by the Secretary to improve, pro-
14 tect, or rehabilitate any public lands administered through
15 the Bureau of Land Management which have been dam-
16 aged by the action of a resource developer, purchaser, per-
17 mittee, or any unauthorized person, without regard to
18 whether all moneys collected from each such action are
19 used on the exact lands damaged which led to the action:
20 *Provided further*, That any such moneys that are in excess
21 of amounts needed to repair damage to the exact land for
22 which funds were collected may be used to repair other
23 damaged public lands.

1 MISCELLANEOUS TRUST FUNDS

2 In addition to amounts authorized to be expended
3 under existing laws, there is hereby appropriated such
4 amounts as may be contributed under section 307 of Pub-
5 lic Law 94-579 (43 U.S.C. 1737), and such amounts as
6 may be advanced for administrative costs, surveys, ap-
7 praisals, and costs of making conveyances of omitted lands
8 under section 211(b) of that Act (43 U.S.C. 1721(b)), to
9 remain available until expended.

10 ADMINISTRATIVE PROVISIONS

11 The Bureau of Land Management may carry out the
12 operations funded under this Act by direct expenditure,
13 contracts, grants, cooperative agreements and reimburs-
14 able agreements with public and private entities, including
15 with States. Appropriations for the Bureau shall be avail-
16 able for purchase, erection, and dismantlement of tem-
17 porary structures, and alteration and maintenance of nec-
18 essary buildings and appurtenant facilities to which the
19 United States has title; up to \$100,000 for payments, at
20 the discretion of the Secretary, for information or evidence
21 concerning violations of laws administered by the Bureau;
22 miscellaneous and emergency expenses of enforcement ac-
23 tivities authorized or approved by the Secretary and to be
24 accounted for solely on the Secretary's certificate, not to
25 exceed \$10,000: *Provided*, That notwithstanding Public

1 Law 90–620 (44 U.S.C. 501), the Bureau may, under co-
2 operative cost-sharing and partnership arrangements au-
3 thorized by law, procure printing services from cooperators
4 in connection with jointly produced publications for which
5 the cooperators share the cost of printing either in cash
6 or in services, and the Bureau determines the cooperator
7 is capable of meeting accepted quality standards: *Provided*
8 *further*, That projects to be funded pursuant to a written
9 commitment by a State government to provide an identi-
10 fied amount of money in support of the project may be
11 carried out by the Bureau on a reimbursable basis. Appro-
12 priations herein made shall not be available for the de-
13 struction of healthy, unadopted, wild horses and burros
14 in the care of the Bureau or its contractors or for the
15 sale of wild horses and burros that results in their destruc-
16 tion for processing into commercial products.

17 UNITED STATES FISH AND WILDLIFE SERVICE
18 RESOURCE MANAGEMENT

19 For necessary expenses of the United States Fish and
20 Wildlife Service, as authorized by law, and for scientific
21 and economic studies, general administration, and for the
22 performance of other authorized functions related to such
23 resources, \$1,357,182,000, to remain available until Sep-
24 tember 30, 2021: *Provided*, That not to exceed
25 \$18,318,000 shall be used for implementing subsections

1 (a), (b), (c), and (e) of section 4 of the Endangered Spe-
2 cies Act of 1973 (16 U.S.C. 1533) (except for processing
3 petitions, developing and issuing proposed and final regu-
4 lations, and taking any other steps to implement actions
5 described in subsection (c)(2)(A), (c)(2)(B)(i), or
6 (c)(2)(B)(ii)).

7 CONSTRUCTION

8 For construction, improvement, acquisition, or re-
9 moval of buildings and other facilities required in the con-
10 servation, management, investigation, protection, and uti-
11 lization of fish and wildlife resources, and the acquisition
12 of lands and interests therein; \$43,226,000, to remain
13 available until expended.

14 LAND ACQUISITION

15 (INCLUDING RESCISSION OF FUNDS)

16 For expenses necessary to carry out chapter 2003 of
17 title 54, United States Code, including administrative ex-
18 penses, in accordance with statutory authority applicable
19 to the United States Fish and Wildlife Service,
20 \$58,770,000, to be derived from the Land and Water Con-
21 servation Fund and to remain available until expended:
22 *Provided*, That none of the funds appropriated for specific
23 land acquisition projects may be used to pay for any ad-
24 ministrative overhead, planning or other management
25 costs.

1 Of the unobligated balances from amounts made
2 available for the Fish and Wildlife Service and derived
3 from the Land and Water Conservation Fund, \$3,628,000
4 is hereby permanently rescinded from projects with cost
5 savings or failed or partially failed projects: *Provided fur-*
6 *ther*, That no amounts may be rescinded from amounts
7 that were designated by the Congress as an emergency re-
8 quirement pursuant to the Concurrent Resolution on the
9 Budget or the Balanced Budget and Emergency Deficit
10 Control Act of 1985.

11 COOPERATIVE ENDANGERED SPECIES CONSERVATION

12 FUND

13 (INCLUDING RESCISSION OF FUNDS)

14 For expenses necessary to carry out section 6 of the
15 Endangered Species Act of 1973 (16 U.S.C. 1535),
16 \$53,495,000, to remain available until expended, of which
17 \$22,695,000 is to be derived from the Cooperative Endan-
18 gered Species Conservation Fund; and of which
19 \$30,800,000 is to be derived from the Land and Water
20 Conservation Fund.

21 Of the unobligated balances made available from the
22 Cooperative Endangered Species Conservation Fund,
23 \$18,771,000 is permanently rescinded from projects or
24 from other grant programs with an unobligated carry over
25 balance: *Provided*, That no amounts may be rescinded

1 from amounts that were designated by the Congress as
 2 an emergency requirement pursuant to the Concurrent
 3 Resolution on the Budget or the Balanced Budget and
 4 Emergency Deficit Control Act of 1985.

5 NATIONAL WILDLIFE REFUGE FUND

6 For expenses necessary to implement the Act of Octo-
 7 ber 17, 1978 (16 U.S.C. 715s), \$13,228,000.

8 NORTH AMERICAN WETLANDS CONSERVATION FUND

9 For expenses necessary to carry out the provisions
 10 of the North American Wetlands Conservation Act (16
 11 U.S.C. 4401 et seq.), \$44,000,000, to remain available
 12 until expended.

13 NEOTROPICAL MIGRATORY BIRD CONSERVATION

14 For expenses necessary to carry out the Neotropical
 15 Migratory Bird Conservation Act (16 U.S.C. 6101 et
 16 seq.), \$4,910,000, to remain available until expended.

17 MULTINATIONAL SPECIES CONSERVATION FUND

18 For expenses necessary to carry out the African Ele-
 19 phant Conservation Act (16 U.S.C. 4201 et seq.), the
 20 Asian Elephant Conservation Act of 1997 (16 U.S.C.
 21 4261 et seq.), the Rhinoceros and Tiger Conservation Act
 22 of 1994 (16 U.S.C. 5301 et seq.), the Great Ape Con-
 23 servation Act of 2000 (16 U.S.C. 6301 et seq.), and the
 24 Marine Turtle Conservation Act of 2004 (16 U.S.C. 6601
 25 et seq.), \$12,800,000, to remain available until expended.

1 STATE AND TRIBAL WILDLIFE GRANTS

2 For wildlife conservation grants to States and to the
3 District of Columbia, Puerto Rico, Guam, the United
4 States Virgin Islands, the Northern Mariana Islands,
5 American Samoa, and Indian tribes under the provisions
6 of the Fish and Wildlife Act of 1956 and the Fish and
7 Wildlife Coordination Act, for the development and imple-
8 mentation of programs for the benefit of wildlife and their
9 habitat, including species that are not hunted or fished,
10 \$65,171,000, to remain available until expended: *Pro-*
11 *vided*, That of the amount provided herein, \$4,809,000 is
12 for a competitive grant program for Indian tribes not sub-
13 ject to the remaining provisions of this appropriation: *Pro-*
14 *vided further*, That \$6,362,000 is for a competitive grant
15 program to implement approved plans for States, terri-
16 tories, and other jurisdictions and at the discretion of af-
17 fected States, the regional Associations of fish and wildlife
18 agencies, not subject to the remaining provisions of this
19 appropriation: *Provided further*, That the Secretary shall,
20 after deducting \$10,571,000 and administrative expenses,
21 apportion the amount provided herein in the following
22 manner: (1) to the District of Columbia and to the Com-
23 monwealth of Puerto Rico, each a sum equal to not more
24 than one-half of 1 percent thereof; and (2) to Guam,
25 American Samoa, the United States Virgin Islands, and

1 the Commonwealth of the Northern Mariana Islands, each
2 a sum equal to not more than one-fourth of 1 percent
3 thereof: *Provided further*, That the Secretary shall appor-
4 tion the remaining amount in the following manner: (1)
5 one-third of which is based on the ratio to which the land
6 area of such State bears to the total land area of all such
7 States; and (2) two-thirds of which is based on the ratio
8 to which the population of such State bears to the total
9 population of all such States: *Provided further*, That the
10 amounts apportioned under this paragraph shall be ad-
11 justed equitably so that no State shall be apportioned a
12 sum which is less than 1 percent of the amount available
13 for apportionment under this paragraph for any fiscal year
14 or more than 5 percent of such amount: *Provided further*,
15 That the Federal share of planning grants shall not exceed
16 75 percent of the total costs of such projects and the Fed-
17 eral share of implementation grants shall not exceed 65
18 percent of the total costs of such projects: *Provided fur-*
19 *ther*, That the non-Federal share of such projects may not
20 be derived from Federal grant programs: *Provided further*,
21 That any amount apportioned in 2020 to any State, terri-
22 tory, or other jurisdiction that remains unobligated as of
23 September 30, 2021, shall be reapportioned, together with
24 funds appropriated in 2022, in the manner provided here-
25 in.

1 ADMINISTRATIVE PROVISIONS

2 (INCLUDING RESCISSION OF FUNDS)

3 The United States Fish and Wildlife Service may
4 carry out the operations of Service programs by direct ex-
5 penditure, contracts, grants, cooperative agreements and
6 reimbursable agreements with public and private entities.
7 Appropriations and funds available to the United States
8 Fish and Wildlife Service shall be available for repair of
9 damage to public roads within and adjacent to reservation
10 areas caused by operations of the Service; options for the
11 purchase of land at not to exceed \$1 for each option; facili-
12 ties incident to such public recreational uses on conserva-
13 tion areas as are consistent with their primary purpose;
14 and the maintenance and improvement of aquaria, build-
15 ings, and other facilities under the jurisdiction of the Serv-
16 ice and to which the United States has title, and which
17 are used pursuant to law in connection with management,
18 and investigation of fish and wildlife resources: *Provided*,
19 That notwithstanding 44 U.S.C. 501, the Service may,
20 under cooperative cost sharing and partnership arrange-
21 ments authorized by law, procure printing services from
22 cooperators in connection with jointly produced publica-
23 tions for which the cooperators share at least one-half the
24 cost of printing either in cash or services and the Service
25 determines the cooperator is capable of meeting accepted

1 quality standards: *Provided further*, That the Service may
2 accept donated aircraft as replacements for existing air-
3 craft: *Provided further*, That notwithstanding 31 U.S.C.
4 3302, all fees collected for non-toxic shot review and ap-
5 proval shall be deposited under the heading “United
6 States Fish and Wildlife Service—Resource Management”
7 and shall be available to the Secretary, without further
8 appropriation, to be used for expenses of processing of
9 such non-toxic shot type or coating applications and revis-
10 ing regulations as necessary, and shall remain available
11 until expended.

12 NATIONAL PARK SERVICE

13 OPERATION OF THE NATIONAL PARK SYSTEM

14 For expenses necessary for the management, oper-
15 ation, and maintenance of areas and facilities adminis-
16 tered by the National Park Service and for the general
17 administration of the National Park Service,
18 \$2,564,597,000, of which \$10,032,000 shall be for plan-
19 ning and interagency coordination in support of Ever-
20 glades restoration and \$135,980,000 shall be for mainte-
21 nance, repair, or rehabilitation projects for constructed as-
22 sets and \$153,575,000 for cyclic maintenance projects for
23 constructed assets and cultural resources shall remain
24 available until September 30, 2021: *Provided*, That funds
25 appropriated under this heading in this Act are available

1 for the purposes of section 5 of Public Law 95–348: *Pro-*
2 *vided further*, That notwithstanding section 9(a) of the
3 United States Semiquincentennial Commission Act of
4 2016 (Public Law 114–196; 130 Stat. 691), \$3,300,000
5 of the funds made available under this heading shall be
6 provided to the organization selected under section 9(b)
7 of that Act for expenditure by the United States
8 Semiquincentennial Commission in accordance with that
9 Act.

10 NATIONAL RECREATION AND PRESERVATION

11 For expenses necessary to carry out recreation pro-
12 grams, natural programs, cultural programs, heritage
13 partnership programs, environmental compliance and re-
14 view, international park affairs, and grant administration,
15 not otherwise provided for, \$68,084,000.

16 HISTORIC PRESERVATION FUND

17 For expenses necessary in carrying out the National
18 Historic Preservation Act (division A of subtitle III of title
19 54, United States Code), \$113,160,000, to be derived
20 from the Historic Preservation Fund and to remain avail-
21 able until September 30, 2020, of which \$14,000,000 shall
22 be for Save America’s Treasures grants for preservation
23 of national significant sites, structures and artifacts as au-
24 thorized by section 7303 of the Omnibus Public Land
25 Management Act of 2009 (54 U.S.C. 3089): *Provided*,

1 That an individual Save America's Treasures grant shall
2 be matched by non-Federal funds: *Provided further*, That
3 individual projects shall only be eligible for one grant: *Pro-*
4 *vided further*, That all projects to be funded shall be ap-
5 proved by the Secretary of the Interior in consultation
6 with the House and Senate Committees on Appropria-
7 tions: *Provided further*, That of the funds provided for the
8 Historic Preservation Fund, \$750,000 is for competitive
9 grants for the survey and nomination of properties to the
10 National Register of Historic Places and as National His-
11 toric Landmarks associated with communities currently
12 under-represented, as determined by the Secretary,
13 \$16,250,000 is for competitive grants to preserve the sites
14 and stories of the Civil Rights movement, \$9,000,000 is
15 for grants to Historically Black Colleges and Universities,
16 and \$7,500,000 is for competitive grants for the restora-
17 tion of historic properties of national, State and local sig-
18 nificance listed on or eligible for inclusion on the National
19 Register of Historic Places, to be made without imposing
20 the usage or direct grant restrictions of section 101(e)(3)
21 (54 U.S.C. 302904) of the National Historical Preserva-
22 tion Act: *Provided further*, That such competitive grants
23 shall be made without imposing the matching require-
24 ments in section 302902(b)(3) of title 54, United States
25 Code, to States and Indian tribes as defined in chapter

1 3003 of such title, Native Hawaiian organizations, local
2 governments, including Certified Local Governments, and
3 non-profit organizations.

4 CONSTRUCTION

5 For construction, improvements, repair, or replace-
6 ment of physical facilities, and compliance and planning
7 for programs and areas administered by the National
8 Park Service, \$392,185,000, to remain available until ex-
9 pended: *Provided*, That notwithstanding any other provi-
10 sion of law, for any project initially funded in fiscal year
11 2020 with a future phase indicated in the National Park
12 Service 5-Year Line Item Construction Plan, a single pro-
13 curement may be issued which includes the full scope of
14 the project: *Provided further*, That the solicitation and
15 contract shall contain the clause availability of funds
16 found at 48 CFR 52.232-18: *Provided further*, That Na-
17 tional Park Service Donations, Park Concessions Fran-
18 chise Fees, and Recreation Fees may be made available
19 for the cost of adjustments and changes within the origi-
20 nal scope of effort for projects funded by the National
21 Park Service Construction appropriation: *Provided further*,
22 That the Secretary of the Interior shall consult with the
23 Committees on Appropriations, in accordance with current
24 reprogramming thresholds, prior to making any charges
25 authorized by this section.

1 LAND ACQUISITION AND STATE ASSISTANCE

2 (INCLUDING RESCISSION OF FUNDS)

3 For expenses necessary to carry out chapter 2003 of
4 title 54, United States Code, including administrative ex-
5 penses, in accordance with the statutory authority applica-
6 ble to the National Park Service, \$199,899,000, to be de-
7 rived from the Land and Water Conservation Fund and
8 to remain available until expended, of which \$140,000,000
9 is for the State assistance program and of which
10 \$10,000,000 shall be for the American Battlefield Protec-
11 tion Program grants as authorized by chapter 3081 of title
12 54, United States Code.

13 Of the unobligated balances from amounts made
14 available for the National Park Service and derived from
15 the Land and Water Conservation Fund, \$2,279,000 is
16 hereby permanently rescinded from projects or from other
17 grant programs with an unobligated carry over balance:
18 *Provided*, That no amounts may be rescinded from
19 amounts that were designed by the Congress as an emer-
20 gency requirement pursuant to the Concurrent Resolution
21 on the Budget or the Balanced Budget and Emergency
22 Deficit Control Act of 1985.